

Minutes of the April 26, 2013 Regular Council Meeting

Call to Order and Flag Salute at 3:32 pm by Mayor Serio.

Council in Attendance: Serio, Bunting, Langan, Weistling, Carmean and Tingle
Absent: Smallwood (Excused)

Presentation of 10-year Service Award to Sgt. John Devlin – Mayor Serio

President's Report

Mayor Serio noted that the town is getting ready for the summer season.

- Plant sale 5/4/13 (Center for the Inland Bays) and 5/11/13 Barefoot Gardeners Garden Club
- The Barefoot Gardeners and the Center for the Inland Bays will work with the landscaper to install a rain garden in the Cannon Street Park on May 24, 2013. The rain date in May 31. The Barefoot Gardeners donated funds for the installation as well as a river birch to be planted in honor of Arbor Day.
- Resident Parking Permits are available at Town Hall. They will be ready for pick up at the Public Safety Building beginning May 15.
- Twice weekly trash collection and weekly curbside recycling collection begins on May 1. There are two yard waste collections in May (5/2 and 5/16) and bulk trash will be collected on 5/28-30.
- There are several important events in May: 5/11 EMS Open House at the Bethany Beach Volunteer Fire Company, 5/16 Coffee with Senator Bunting and Representative Gray, 5/18 Beach Cleanup.

Topics for Discussion and Possible Action

- a. Beach Concession Bids (Town Beach and Town and State Line Beach) – Town Manager Burke
 - Town received one bid for services (Town Beach). Steen's Beach Service bid \$13,212 to provide rentals of umbrellas and chairs. Town Manager Burke recommended that the Council accept the bid.

Motion to accept – Council Member Tingle

Second Council Member Langan

DISCUSSION – none

VOTE – All in favor (6-0)

- Town received three bids for Town and State Line Beach (food and beverage) – Forte's Weenie Wagon \$3500; Matteo's Salsa Loco \$6178; and Go Melvo Inc \$11,500. Mr. Burke recommended that the town accept the high bid of \$11,500.

Motion to accept – Council Member Bunting

Second – Council Member Langan

DISCUSSION – none

VOTE: All in favor (6-0)

- b. Property Assessments May 2&3 – Mayor Serio

Mayor Serio announced that Ms. Phyllis Trala will be at Town Hall to review building permits from May 2012 through April 30, 2013 in order to conduct property assessments. Council approved the fee of \$4000 previously. That money is already included in the budget.

No action required.

- c. Bench Donations – Mayor Serio

Mayor Serio advised that she received a letter on April 3, 2013 from Ms. Norma Burns asking that she be allowed to honor her friend, Sharon Gutsche by placing a memorial bench in town.

DISCUSSION

Council Member Carmean noted that the Council has discussed donating benches in the past and objected to placing them on the streets. Mayor Serio thought that it might be appropriate for the Cannon Street Park. Council Member Weistling commented that there are not that many places in town where one could put a bench and expressed concern about the number of benches that might be requested vs. the number of available locations.

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Council Member Carmean would like Council to draw up a formal policy with input from the community. Mayor Serio advised that the town could do a few things in town to provide opportunities for memorial donations including a bench at the end of the lagoons similar to South Bethany. The Mayor will talk with Ms. Burns and advise that a decision will not be made until a plan is in place. She will set up a Parks & Recreation Committee to explore the topic.

d. DNREC DTF Grant – Town Manager Burke

Mr. Burke advised that the town has been approved for a DTF grant (\$25,000 with a \$25,000 match from the town) for the Kayak Launch. Insofar as the bids for the launch came in \$20-\$25,000 higher than anticipated, Mr. Burke proposes to apply for an additional grant. He can apply for an additional \$20,000 (\$10,000 with a \$10,000 match from the town) amendment to the current grant.

Motion to approve the Town Manager's application for an additional \$20,000 grant – Council Member Tingle

Second – Council Member Langan

DISCUSSION – none

VOTE: All in favor (6-0)

Mr. Burke advised that the Surface Water Grant for which the town applied will be awarded in June 2013 at which time the grant program application process will begin again. He asked that Council approve his application in this next round for a 50/50 match grant not to exceed ~~\$50,000~~ 6,000. This might be used to augment a sea level rise study and/or vulnerability assessment. The deadline to apply is May 30, 2013.

Motion to accept the Town Manager's proposal to apply for the grant – Council Member Carmean

Second – Council Member Bunting

DISCUSSION – Council Member Carmean expressed that she was unsure what activity the Town Manager has in mind but believes he should proceed and Council will approve the activity later. Council Member Weistling asked for clarification on the amount; Town Manager Burke advised that he has several ideas that would break out in \$10,000 increments.

VOTE: All in favor (6-0)

e. Beach Patrol Manual Revisions – Town Manager Burke

Mr. Burke advised that the manual has been reviewed by the *ad hoc* Beach Manual Revision Committee. Captain Tim Ferry summarized that the last revision was in 2008 and that some things have changed. This is mostly policy and procedures for personnel and not lifesaving activities.

Motion to approve the revision – Council Member Tingle

Second - Council Member Langan

DISCUSSION – None

VOTE: All in favor (6-0)

Approval of Minutes:

Motion to Approve the Minutes of March 28, 2013 Meeting - Council Member Weistling

Second - Council Member Carmean

DISCUSSION – None

Vote: (5-0-1) Council Member Tingle abstaining as she was not present at the meeting

Treasurer's Report:

Council Member Bunting presented his report.

Motion to accept the Treasurer's Report – Council Member Langan

Second – Council Member Carmean

DISCUSSION - none

Vote: All in favor to accept the Treasurer's report (6-0)

Council Member Bunting advised that the Budget Committee will meet on May 21, 2013 at 1:00 PM.

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Town Manager Report:

Town Manager Burke reiterated those items included in his written report.

Department Reports:

- Building Official –included in the meeting packet.
- Public Works - included in meeting packet. The Public Works Department has completed Phase 1 of the drainage project on Bora Bora Street.
- Fenwick Island Beach Patrol – included in the meeting packet. Captain Tim Ferry thanked Council for purchasing a new side-by-side. Captain Ferry attended a Rip Current Workshop and advised that his department is able to communicate with NOAA daily so that public updates can be disseminated in a timely manner. In response to a question from Council Member Weistling, Captain Ferry advised that he had 5-6 open spots on the patrol and that he is nearly ready for the season.
- Police Department – Chief Boyden reported that in addition to his report (included in Council booklet), his department has received some complaints about DeIDOT activities. DeIDOT will replace highway marking and traffic control devices and may actually enhance some of those items. The department has received a grant for Seat Belt enforcement activities. Parking enforcement activities begin on May 15, 2013.

Committee Reports:

- Beach Committee – Tim Ferry reported that the next meeting will be in June to finalize bonfire details.
- Environmental Committee – Mary Ellen Langan reported that the committee met on April 25, 2013 to discuss activities required by the American Lung Association grant. The committee seeks volunteers to assist with counting cigarette butts that have been placed in the receptacles. This will be a bi-weekly activity from June through October. The committee is spearheading the May 18 Beach Cleanup. Buzz Henifin no longer will do the water quality test and the committee is seeking a volunteer for this project. The next meeting will be May 16, 2013 at 2:30 PM.
- *Ad hoc* Technology Committee – Gene Langan reported that the committee will seek ways to use technology to save energy and better communicate with the public. They are looking at refreshing the web site and may add Twitter/You Tube to the town's capabilities. A discussion of cloud computing continues as well as the use of tablets and I-pads to reduce the use of paper. Credit cards and mobile applications will be discussed. The next meeting is June 5, 2013 at 3:00 PM.

Planning Commission: No report

Charter & Ordinance

- **Proposed Second Reading Chapter 160 (Zoning) Anchoring of Boardwalks – Council Member Weistling**
Council Member Weistling motioned that Council accept the proposed Second Reading (copy attached to these minutes)
Second – Council Member Carmean

DISCUSSION

Council Member Weistling advised that the Council accepted comments from the public at the hearing held prior to this meeting. As a result, he asked that he be allowed to amend his motion.

Council Member Weistling amended his motion to accept the proposed Second Reading by adding the words "In accordance with Delaware Code, Title 26, (Chapter 8 - UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT), "Miss Utility" must be contacted at 1-800-282-8555 before proceeding with any anchoring" (copy attached to these minutes).

Second – Council Member Carmean

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DISCUSSION

Council Member Carmean wants to move forward and have this change on the books. Amendments to the document can be discussed at C&O in the future. Council Members Weistling and Langan agreed.

VOTE: All in favor ((6-0) Smallwood- absent; Carmean – yes; Bunting – yes; Serio – yes; Weistling – yes; Tingle – yes; Langan - yes

Old Business

None

New Business – No Action to be Taken

None

Public Participation:

- Mike Quinn (5 W Houston St) – noted that at last month’s meeting there appeared to be a \$275,000 discrepancy in the Treasurer’s Report. That report was dated February 2013 and appeared to be transferred and corrected in March 2013. There now appears to be another \$100,000 discrepancy. Town Manager Burke and Council Treasurer Bunting will meet with Mr. Quinn to discuss the form and how to better represent the town’s finances in the future.

Council Member Carmean left the meeting at 4:37 PM.

Upcoming Events and Meetings:

Mayor Serio announced all upcoming meetings and events.

Motion to adjourn – Council Member Weistling

Second – Council Member Bunting

Meeting adjourned at 4:40 PM.

Agnes DiPietrantonio, Town Clerk
for Diane Tingle, Secretary

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Proposed First Reading – March 28, 2013

Proposed Second Reading – April 26, 2013

*Approved First Reading – March 28, 2013
Proposed Second Reading – April 26, 2013
Revised Second Reading – April 26, 2013
Passed – April 26, 2013*

Chapter 160 - Zoning

Insert the following new subparagraph C. to § 160-6 (General regulations; exceptions):

C. All free-standing structures, including but not limited to boardwalks, propane tanks, ground level decks, sheds and trash enclosures, must be either properly anchored using an auger type anchor a minimum of two feet in the ground, proper footings designed to resist floatation, collapse or permanent lateral movement, or an anchor system design approved by the Building Official. Effective date for proper anchoring of free-standing structures as indicated above shall be no later than June 1, 2014.

Re-number remaining subparagraphs in § 160-6 so that the subparagraphs previously identified as subparagraphs C. and D. shall now be identified as subparagraphs D.

Posted: April 1, 2013

Chapter 160 - Zoning

Insert the following new subparagraph C. to § 160-6 (General regulations; exceptions):

C. All free-standing structures, including but not limited to boardwalks, propane tanks, ground level decks, sheds and trash enclosures, must be either properly anchored using an auger type anchor a minimum of two feet in the ground, proper footings designed to resist floatation, collapse or permanent lateral movement, or an anchor system design approved by the Building Official. In accordance with Delaware Code, Title 26, (Chapter 8 - UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT), "Miss Utility" must be contacted at 1-800-282-8555 before proceeding with any anchoring. Effective date for proper anchoring of free-standing structures as indicated above shall be no later than June 1, 2014.

Re-number remaining subparagraphs in § 160-6 so that the subparagraphs previously identified as subparagraphs C. and D. shall now be identified as subparagraphs D. and E.

Posted: April 29, 2013